

### REMARKS

Applicants acknowledge the Examiner's careful consideration of their application and respectfully request reconsideration followed by allowance.

Amended claim 1 includes units for density (d) based on the specification at page 5, lines 18-24 and has been corrected to kg/m<sup>3</sup>.

Amended claim 3 finds basis in the specification at page 9, lines 10-11.

Amended claim 4 conforms the claim to the language present when first filed. In the prior amendment the unit "nm" was inadvertently presented as "mm". Applicants' counsel regrets any inconvenience to the Examiner.

It will be appreciated that a blown film of the invention can comprise a plurality of layers, such as 3 or more layers, and can thus be a multi-layer film. The blown film has sufficient strength and high transparency and retains these twin desired characteristics even when made thinner. This is disclosed in the specification at page 1.

In general, a blown film of the present invention accomplishes the foregoing by a combination of characteristics (i) and (ii). It has:

(i) sufficient strength (tear strength), because surface layers thereof contain no linear low-density polyethylene 1 having characteristics A - C, although middle layer(s) may contain low-density polyethylene 2, and

(ii) high transparency (haze), because a crystallization temperature of linear low-density polyethylene 2 used for middle layer(s) thereof is higher by at least 2°C than that of linear low-density polyethylene 1 used for surface layers thereof.

Characteristic (i) pertains to sufficient strength - such as tear strength - and it is due to the layers in the blown film, and particularly to the surface layers made of a linear low density polyethylene 1 consistent with characteristics A - C, which are reproduced below to assist the Examiner:

A): a composition distribution variation coefficient (Cx) represented by the following equation (1) is not more than 0.5,

$$Cx = \sigma / SCBave \quad (1)$$

wherein  $\sigma$  is a standard deviation of composition distribution, and SCBave is an average branching degree,

(B): a content (a) of cold xylene-soluble portion in terms of % by weight based on the weight of the linear low-density polyethylene 1 and the density (d) satisfy the following inequality (2),

$$a < 4.8 \times 10^{-5} \times (950-d)^3 + 10^{-6} \times (950-d)^4 + 1 \quad (2)$$

(C): a crystallization temperature (Tc) and a density (d) satisfy the following inequality (3),

$$T_c > 0.763 \times d - 599.2 \quad (3),$$

wherein density (d) is in kg/m<sup>3</sup>.

The transparency is due to both the characteristics (i) and (ii) described above.

If only characteristic (i) is present, a blown film having high transparency is not obtained. The specification furnishes the evidence as seen from Example 1 versus Comparative Example 5. Example 1 reports a blown film having a haze value of only 5.8% for the film having characteristics (i) and (ii). However, Comparative Example 5 reports a blown film having a haze value of 27.0% for a 465% increase in haze value versus a haze value of the blown film according to Example 1. The blown film of Comparative Example 5 only met characteristic (i) of the claimed invention, but not characteristic (ii).

Applicants now respectfully traverse the rejection and respectfully suggest there is no prima facie case of obviousness under 35 U.S.C. §103 over Suzuki et al (JP-11-192661-A) in view of Brambilla (U.S. Patent No. 5,916,692). Applicants appreciate that the U.S. Patent counterpart to the now cited JP document is no longer relied upon as it is simply not prior art.

Applicants submit there would have been no reason to combine the two references, and even if combined it is submitted a person of only ordinary skill in the art would have had no expectation of accomplishing the inventions described in this application. More particularly, *arguendo*, if the references were combined, which is not conceded, they would not have suggested - as they certainly do not disclose - the above summarized characteristics (i) and (ii) of the claimed inventions. Consequently, the claimed inventions would not have been obvious to a person of ordinary skill in the art.

The Suzuki document does not disclose a three layer structure of a multilayer film having a middle layer made of a blend of a linear low density polyethylene and low

density polyethylene. Prior Office Action, pages 2-3. There is no basis for conjecturing the JP counterpart is any different. The Suzuki document does not disclose a blown film having characteristics (i) and (ii).

The Suzuki document neither discloses nor would it have suggested the density and crystallization temperatures for polymers used for a blown film as described in this application.

It would appear Suzuki reference does not disclose concurrent improvement in both transparency and strength (tear strength).

It is also not seen where either of the currently applied "prior art" references inherently discloses characteristics and properties of a layer or layers in the claimed invention. For instance, the prior Office Action states these claimed characteristics are themselves not described in the U.S. counterpart document. When an alleged prior art patent, including drawings, is silent on a relationship or a claim limitation, rejections assuming the existence of any such relationship or a claim limitation are undermined, and the rejection is subject to being reversed. Hockerson-Halberstadt Inc. v. Avia Group International Inc., 58 USPQ2d (BNA) 1487, 1491 (Fed. Cir. 2000); Ex parte Brown, 19 USPQ2d (BNA) 1609, 1612 (BOPI 1990) ("since the prior art is silent as to this feature, we are unable to sustain the rejection ..."); Ex parte Isaksen 23 USPQ2d (BNA) 1001, 1006 (BOPI 2001), ("Forbes patent[s] are completely silent as to any sharpening effect and do not describe with any specificity what results ... magnetic treatment had on the razor blade edge," rejection reversed).

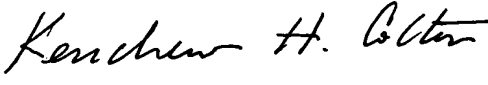
It is also not seen where the secondary reference would have commended its combination with the Suzuki document, except with the benefit of hindsight, nor where it would have motivated an ordinary skilled worker to modify the Suzuki reference to achieve the inventions of this application.

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Reply to Office Action of September 3, 2003

Applicants earnestly, but respectfully, solicit a Notice of Allowance.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:   
Kendrew H. Colton  
Registration No. 30,368

Fitch, Even, Tabin & Flannery  
1801 K Street, N.W. - Suite 401L  
Washington, D.C. 20006-1201  
Telephone No. (202) 419-7000  
Facsimile No. (202) 419-7007